UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/664,200 | 09/16/2003 | Kehsing J. Chou | SVL920030068US1 | 3889 |

46159        7590        11/27/2007

SUGHRUE MION PLLC
USPTO CUSTOMER NO WITH IBM/SVL
2100 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20037

| EXAMINER |
|---|
| LY, CHEYNE D |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2168 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 11/27/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/664,200 | CHOU ET AL. |
| | **Examiner** | **Art Unit** |
| | Cheyne D. Ly | 2168 |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on Oct. 05, 2007
2a)☐ This action is **FINAL**.        2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) _1-28,31 and 32_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-28,31 and 32_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All  b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**
1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

## DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 05, 2007 has been entered.

2. The declaration under 37 C.F.R. 1.132 has been entered; therefore, the prior art of record has been withdrawn as necessitated by said declaration.

3. Claims 1-28, 31, and 32 are examined on the merits.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

6.   Claims 1-28, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Chang et al. (US 2002/0026443 A1) (Chang hereafter) in view of Chou et al. (US

6,370,541B1) (Chou hereafter).

## MOTIVATION TO COMBINE

7.   Chang describes an invention to provide multi-searching and updating capabilities across

a combination of heterogeneous datastores such as DB2 (page 2, column 2, [0025]) and

provide a flexible mechanism which can employ a combination of different types of

search engines selectable by users (page 2, column 1, [0019] and [0020]).  While, Chou

describes there is a need in the art for an improved client/server framework for federated

multi-search and update across heterogeneous datastores (column 4, lines 8-12) as

directed to DB2 (column 5, lines 59-67).  One of ordinary skill in the art at the time of

the invention would have been motivate by Chou to address the need in the art by

providing multi-searching and updating capabilities across a combination of

heterogeneous datastores such as DB2 and providing a flexible mechanism which can

employ a combination of different types of search engines selectable by users as

described by Chang.

## PRIOR ART

8.   In regard to claim 1, Chang discloses a processor-implemented method of managing a

persistent folder within a federated content management system that includes a plurality

of local federated datastores, the method comprising:

a.      Creating the persistent (page 12, [0169], especially lines 5-7 of the cited

paragraph) folder on a local federated datastore within the federated content management

system (page 6, [0087]-[0090], and pages 7-8, [0099]-[0107]);

b.      Mapping the persistent folder includes a virtual entity a plurality of entities in the

local federated datastores (page 2, [0027] and page 12, [0169], especially, "maps each

individual persistent data items to its underlying representation in the datastore", and

page 24, [0465], especially, "manages a virtual collection of DDOs 28").

c.      Updating (page 2, [0019]) the persistent federated folder by modifying a members

list, and updating attributes of the persistent folder (page 6, [0088]-[0090]. It is noted

that the cited methods of addMember and removeMember inherently modifies a members

list.

d.      Deleting the persistent folder (page 14, [0232]). It is noted that Chang discloses

the federated folder cited above as a type of "object." Therefore, the above citation of

"the add, del, and update operations only affect the object in the persistent store" supports

that "deleting the persistent federated folder" is inherent disclosed in the cited method.

9.  However, Chang does not describe the limitation of "federated folder…wherein the

persistent federated folder has the ability to save a federated searcher result…" Chou

describes the claimed federated folder (column 106, lines 15-55, e.g.

DKFederatedCollection, and column 113, line 29, to column 114, last line) exemplified

by the instant specification.

10. Therefore, it would have been obvious to one of ordinary skill in the art to make and use

the system of Chang and Chou address the need in the art by providing multi-searching

and updating capabilities across a combination of heterogeneous datastores such as DB2 and providing a flexible mechanism which can employ a combination of different types of search engines selectable by users.

2. In regard to claim 2, Chang in view of CHOU discloses modifying the members list comprises adding at least one new member (page 6, [0088]). Therefore, it would have been obvious to one of ordinary skill in the art to modify the disclosure of Chang to utilize the new release of Content Manager Version 8.2 comprising federated folders to provide multi-searching and updating capabilities across a combination of heterogeneous datastores such as DB2.

3. In regard to claim 3, Chang in view of CHOU discloses modifying the members list comprises removing at least one member (page 6, [0090]). Therefore, it would have been obvious to one of ordinary skill in the art to modify the disclosure of Chang to utilize the new release of Content Manager Version 8.2 comprising federated folders to provide multi-searching and updating capabilities across a combination of heterogeneous datastores such as DB2.

4. In regard to claim 4, Chang in view of CHOU discloses selecting items in the plurality of entities as a result of a search (page 5, [0077]). Therefore, it would have been obvious to one of ordinary skill in the art to modify the disclosure of Chang to utilize the new release of Content Manager Version 8.2 comprising federated folders to provide multi-searching and updating capabilities across a combination of heterogeneous datastores such as DB2.

5.   In regard to claim 5, Chang in view of CHOU discloses a user selecting items in the

plurality of entities (page 5, [0072] and [0078]).  Therefore, it would have been obvious

to one of ordinary skill in the art to modify the disclosure of Chang to utilize the new

release of Content Manager Version 8.2 comprising federated folders to provide multi-

searching and updating capabilities across a combination of heterogeneous datastores

such as DB2.

6.   In regard to claim 6, Chang in view of CHOU discloses an application selecting items in

the plurality of entities (page 5, [0076]).  Therefore, it would have been obvious to one of

ordinary skill in the art to modify the disclosure of Chang to utilize the new release of

Content Manager Version 8.2 comprising federated folders to provide multi-searching

and updating capabilities across a combination of heterogeneous datastores such as DB2.

7.   In regard to claim 7, Chang in view of CHOU discloses saving (pages 11-12, [0164]-

[0165], especially the "set Pid(Pid aPid) method) a persistent identifier reference (page 5,

[0080], ItemId in the disclosed table) in the persistent federated folder for each of the

items in the entities selected as a result of the search (page 5, [0077]).  Therefore, it

would have been obvious to one of ordinary skill in the art to modify the disclosure of

Chang to utilize the new release of Content Manager Version 8.2 comprising federated

folders to provide multi-searching and updating capabilities across a combination of

heterogeneous datastores such as DB2.

8.   In regard to claim 8, Chang in view of CHOU discloses saving (pages 11-12, [0164]-

[0165], especially the "set Pid(Pid aPid) method) a persistent identifier reference (page 5,

[0080], ItemId in the disclosed table) in the persistent federated folder for each of the

items in the entities selected as a result of the user (page 5, [0072] and [0078]).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the

disclosure of Chang to utilize the new release of Content Manager Version 8.2

comprising federated folders to provide multi-searching and updating capabilities across

a combination of heterogeneous datastores such as DB2.

9.   In regard to claim 9, Chang in view of CHOU discloses saving (pages 11-12, [0164]-

[0165], especially the "set Pid(Pid aPid)" method) a persistent identifier reference (page

5, [0080], ItemId in the disclosed table) in the persistent federated folder for each of the

items in the entities selected as a result of the user (page 5, [0076]).  Therefore, it would

have been obvious to one of ordinary skill in the art to modify the disclosure of Chang to

utilize the new release of Content Manager Version 8.2 comprising federated folders to

provide multi-searching and updating capabilities across a combination of heterogeneous

datastores such as DB2.

10.  In regard to claim 10, Chang in view of CHOU discloses deleting the persistent federated

folder does not delete items referenced in the persistent federated folder (page 14,

[0232]).  It is noted that Chang discloses the federated folder cited above as a type of

"object" (page 6, [0081]).  The objects reference the entities (page 5, [0080]) in the

digital library (DL) (page 1, [0012]-[0013]).  Therefore, the above citation of "the add,

del, and update operations only affect the object in the persistent store; they do not

change the copy in main memory" supports that "deleting the persistent federated folder

delete items referenced in the persistent federated folder" is inherent disclosed in the

cited method.  Therefore, it would have been obvious to one of ordinary skill in the art to

modify the disclosure of Chang to utilize the new release of Content Manager Version

8.2 comprising federated folders to provide multi-searching and updating capabilities

across a combination of heterogeneous datastores such as DB2.

11. In regard to claim 11, Chang in view of CHOU discloses the persistent federated folder

contains at least one persistent federated folder (page 5, [0080]). Therefore, it would

have been obvious to one of ordinary skill in the art to modify the disclosure of Chang to

utilize the new release of Content Manager Version 8.2 comprising federated folders to

provide multi-searching and updating capabilities across a combination of heterogeneous

datastores such as DB2.

12. In regard to claim 12, Chang in view of CHOU discloses the persistent federated folder

contains members from entities originating from heterogenous datastores (Abstract etc.

and page 2, [0019]). Therefore, it would have been obvious to one of ordinary skill in the

art to modify the disclosure of Chang to utilize the new release of Content Manager

Version 8.2 comprising federated folders to provide multi-searching and updating

capabilities across a combination of heterogeneous datastores such as DB2.

13. In regard to claim 13, Chang in view of CHOU discloses the persistent federated folder

contains members from an entity of the persistent federated folder (page 5, [0077] and

[0080]). Therefore, it would have been obvious to one of ordinary skill in the art to

modify the disclosure of Chang to utilize the new release of Content Manager Version

8.2 comprising federated folders to provide multi-searching and updating capabilities

across a combination of heterogeneous datastores such as DB2.

14. In regard to claim 14, Chang in view of CHOU discloses the persistent federated folder integrates seamlessly within the federated content management system allowing a federated query to operate transparently (page 2, [0015]) with respect to a client (page 2, [0020]-[0027]). Therefore, it would have been obvious to one of ordinary skill in the art to modify the disclosure of Chang to utilize the new release of Content Manager Version 8.2 comprising federated folders to provide multi-searching and updating capabilities across a combination of heterogeneous datastores such as DB2.

15. In regard to claim 15, Chang in view of CHOU disclose the persistent federated folder system limits access rights of users according to users' general privileges (page 18, [0318]-[0319]). Therefore, it would have been obvious to one of ordinary skill in the art to modify the disclosure of Chang to utilize the new release of Content Manager Version 8.2 comprising federated folders to provide multi-searching and updating capabilities across a combination of heterogeneous datastores such as DB2.

16. In regard to claim 16, Chang in view of CHOU discloses providing administrative support for creating, mapping, and administering the persistent federated folder (page 27, [0519], to page 33, [0676], especially the Supporting classes beginning at [0522]). Therefore, it would have been obvious to one of ordinary skill in the art to modify the disclosure of Chang to utilize the new release of Content Manager Version 8.2 comprising federated folders to provide multi-searching and updating capabilities across a combination of heterogeneous datastores such as DB2.

17. In regard to claims 17-28, Chang in view of CHOU discloses the above-cited method has been implemented in a computer program product and system (page 3, [0039], to page 4,

[0061]). Specific to claims 24-28, the recitation of "mean for..." has been interpreted as Applicant's attempt to invoke 35 U.S.C. 112, sixth paragraph. However, the instant disclosure does not specifically define the structures necessary for each "means for..." limitation. Therefore, the system cited above has been interpreted as comprising the respective "means for" limitations as exemplified by the instant specification (page 13, [0046], to page 17, [0060]).

18. In regard to claims 31 and 32, Chang in view of CHOU describes the federated folder is defined using a query expression executable in the federated datastore (page 24, [0465], especially, "manages a virtual collection of DDOs 28. The collection is a result set of a query submitted to the datastore. Each element of the collection does not materialize until a datastore fetch operation is executed"). Therefore, it would have been obvious to one of ordinary skill in the art to modify the disclosure of Chang to utilize the new release of Content Manager Version 8.2 comprising federated folders to provide multi-searching and updating capabilities across a combination of heterogeneous datastores such as DB2.

## CONCLUSION

19. Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent

Electronic Business Center will notify applicants of the resolution of the problem within

5-7 business days. Applicants can also check PAIR to confirm that the problem has been

corrected.  The USPTO's Patent Electronic Business Center is a complete service center

supporting all patent business on the Internet. The USPTO's PAIR system provides

Internet-based access to patent application status and history information. It also enables

applicants to view the scanned images of their own application file folder(s) as well as

general patent information available to the public.

20. For all other customer support, please call the USPTO Call Center (UCC) at 800-786-

9199.  The USPTO's official fax number is 571-272-8300.

21. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to C. Dune Ly, whose telephone number is (571) 272-0716.

The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tim Vo, can be reached on (571) 272-3642.

C. Dune Ly
Primary Examiner
11/21/07